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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,787	12/12/2003	Thierry Canton	FRAV2002/0036 US NP	3482

5487 7590 07/19/2006

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EXAMINER

KRISHNAN, GANAPATHY

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2-3, 11-12 and 21-22, drawn to a composition and a method for prevention and treatment of Alzheimer's disease comprising the formula (IA), classified in class 514, subclass 23.
- II. Claims 4-5, 13-14 and 23-24 drawn to a composition and a method treatment of Alzheimer's disease comprising the general formula (IB), classified in class 514, subclass 156.

Claims 1, 6-9, 10, 15-18, 19-20 and 25-28 link inventions of Groups I-II.

The restriction requirement among the linked inventions is subject to the nonallowance of the linking claims, 1, 6-9, 10, 15-18, 19-20 and 25-28. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

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Inventions I-II are unrelated to each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the inventions are separate and distinct each from the other because the compounds of Groups I and II differ by a significant structural feature, having different formula IA and IB, which are classified in different subclass of class 514. Given the fact that chemical compounds that are not similar in structure have different physical, chemical, biological and physiological properties or activities, the instant compounds are deemed to have different modes of operation, different functions, and different effects.

Moreover, the search for inventions of Groups I-II would place an undue burden on the Office because of their separate classification crossing class 514. It is noted that for example a reference to one heterocyclic compound of formula (IA) would not be a reference to another heterocyclic compound of formula (IB) under 35 U.S.C. 103(a).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Because the above restriction/election requirement is complex, a telephone call to applicant's agent to request an oral election was not made. See M.P.E.P Sec. 812.01.

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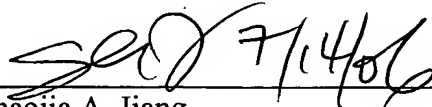
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathy Krishnan whose telephone number is 571-272-0654. The examiner can normally be reached on 8.30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GK


Shaojia A. Jiang
Supervisory Patent Examiner